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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,630	10/27/2003	Michael Buchmann	964-031639	2616

7590 08/10/2006

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EXAMINER

FOX, CHARLES A

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/694,630	Applicant(s) BUCHMANN ET AL.	
	Examiner Charles A. Fox	Art Unit 3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,9,12 and 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,9,12 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Drawings

The drawings were received on May 18, 2005. These drawings are accepted.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jarl in view of Driggers and further in view of Ringer. Regarding claims 1 and 9 Jarl EPO 0,030,928 teaches a device for handling batteries in a forklift comprising:

an external roller conveyor (16), of which at least a portion can be raised and lowered;

wherein the roller conveyor is configured to be placed under a battery compartment of said forklift;

wherein the battery compartment has at least one hole for receiving a roller from said roller conveyor. Jarl does not teach an extendable roller conveyor or connecting the conveyor to the forklift. Driggers US 4,459,732 teaches an extendable conveyor comprising:

a first (3,5) and a second (13,15) conveying section;

wherein said first section has two beams with rollers thereon;

wherein said second rail further comprises a beam with rollers thereon that is located between said two beams in said first section;

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wherein guide devices (9 and 17) are provided for guiding said second section as it extends in a longitudinal direction;

a stop (47,49) located on said first conveyor section for keeping an object from rolling off of said conveyor. Driggers does not teach connecting the conveyor to any other object. Ringer US 4,093,084 teaches a conveyor for unloading heavy containers from a vehicle, wherein the vehicle and conveyor are connected via members (58,59) during loading and unloading of the vehicle.

It would have been obvious to one of ordinary skill in the art, at the time of invention to provide the device taught by Jarl with an extendable member as taught by Driggers in order to extend under a battery block in a vehicle that is too low to the ground to allow access to the entire conveyor and to further provide a connection between the conveyor and the lift truck as taught by Ringer in order to keep the conveyor at a constant position relative to the vehicle while moving the battery blocks.

Regarding claim 3 Jarl further discloses the floor of said battery compartment has a plurality of openings for receiving a plurality of rollers from said conveyor.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jarl, Driggers and Ringer as applied to claim 1 above, and further in view of Japanese 11-246193 (herein JP '193). Jarl teaches the limitations of claim 1 as above, he does not teach the floor of the battery compartment as having a single opening. JP '193 teaches a forklift with a battery compartment (7) that has one large opening in its floor for allowing a lift platform (11) to raise a battery block for removal. It would have been obvious to one of ordinary skill in the art, at the time of invention to provide the device

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taught by Jarl with a floor as taught by JP '193 in order to make alignment between the lift device and forklift easier as well as providing more support to the battery block during lifting and lowering.

Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jarl, Driggers and Ringer as applied to claim 1 above, and further in view of Ouellette. Jarl teaches the limitations of claim 1 as above, he does not teach a powered means to move the battery. Ouellette US 4,308,946 teaches a roller conveyor (20) with driven rollers (40) for moving a load therealong. It would have been obvious to one of ordinary skill in the art, at the time of invention to provide the device taught by Jarl with powered rollers as taught by Ouellette in order to aid in moving a heavy load thereby helping to avoid operator strain.

Response to Amendment

The amendments filed on May 18,2006 have been entered into the record.

Response to Arguments

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection. Regarding the combination of Jarl and Driggers applicant arguments are not persuasive. Both pertain to devices which have roller conveyors placed under heavy objects such that that may be removed from a confined space. As such they are analogous arts. Further while the Driggers device is stationay when in use, so is the instant invention. As such this is not persuasive as to why the references can not be combined.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon, but considered pertinent to applicant's disclosure are Gu et al. 2000 and Szymanski et al. 2004.

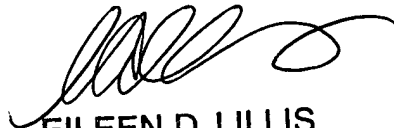
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles A. Fox whose telephone number is 571-272-6923. The examiner can normally be reached between 7:00-4:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached at 571-272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CAF
CAF 7-27-06



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